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JUN 05 2014

N.J. BOARD OF NURSING

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

CHRISTINA GAGLIARDI, R.N.
License # 26NO10797000

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

Administrative Action

**FINAL ORDER
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a registered professional nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.

2. On or about November 8, 2013, a letter of inquiry was sent to respondent's address of record with the Board, asking respondent to supply information concerning her nursing employment, continuing education for the last three years, and an arrest on November 1, 2013 for improper behavior.

3. The certified mailing of the letter was returned as unclaimed. The regular mailing was not returned. No response was received.

4. On or about November 22, 2013, a letter of inquiry was sent to respondent's address of record with the Board, asking respondent to supply information concerning her nursing employment, continuing education for the last three years, and an arrest on October 31, 2013 based on charges of resisting arrest, simple assault, disorderly conduct, threatening to kill, and criminal mischief with damage.

5. The certified mailing of the letter was returned as unclaimed. The regular mailing was not returned. No response was received.

6. On her 2013 nursing license renewal application, respondent indicated that she would have completed all required continuing education for the June 1, 2011 – May 31, 2013 renewal period by May 31, 2013.

CONCLUSIONS OF LAW

1. Respondent's failure to respond to the Board constitutes a failure to cooperate with a Board investigation in violation of N.J.A.C. 13:45C-1.2 and 1.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

2. Respondent's failure to supply documentation of required continuing education for the June 1, 2011 – May 31, 2013 renewal period is interpreted as a failure to complete required continuing education in violation of N.J.A.C. 13:37-5.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

3. Respondent's indication on her renewal application that she would have completed required continuing education for the June 1, 2011 – May 31, 2013 renewal period by May 31, 2013 constitutes misrepresentation within the intentment of N.J.S.A. 45:1-21(b).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension, reprimand, and civil penalties was filed on February 28, 2014. Copies were served upon respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order of Discipline by providing the name of her current nursing employer, certificates of completion of 42.25 hours of continuing education completed within the June 1, 2009 – May 31, 2011 biennial renewal period, and a brief statement that she had a preliminary hearing scheduled in April 4, 2014 regarding her criminal complaint and that she would provide all documentation after that hearing. No further information was received. Respondent has failed to provide the following information concerning both arrests: Police/arrest reports with supporting statements, municipal court complaint, indictment, accusation, plea agreements, disposition, sentencing documents, PreTrial Intervention documents, probation, proof of payment of fines, and narratives of the events and conduct which led to respondent's two arrests.

As for continuing education, nurses must complete thirty hours each biennial renewal period and may carry over up to fifteen hours if they complete more than thirty hours in any one biennial renewal period. N.J.A.C. 13:37-5.3. As respondent

completed 42.25 in the June 1, 2009 – May 31, 2011 biennial period, she may carry over 12.25 hours to the June 1, 2011 – May 31, 2013 biennial period. Respondent failed to provide documentation of any other continuing education completed during that time period or after and must take an additional 17.75 hours of continuing education to cure the deficiency of the June 1, 2011 – May 31, 2013 biennial period. Respondent maintains that she had serious medical issues within that biennial period. Board regulation at N.J.A.C. 13:37-5.3(g) allows a nurse to apply for a waiver of continuing education requirements in instances of hardship, but respondent did not do so.

The Board reviewed respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions of law. Inasmuch as Respondent has failed to provide all the information requested concerning both her arrests and has failed to demonstrate that she is current and up-to-date with her continuing education requirements, the Board determined that suspension is warranted, as is a five hundred dollar (\$500) civil penalty for her failure to cooperate and a two hundred and fifty dollar (\$250) civil penalty for failing to timely complete continuing education. Likewise, the Board determined that a reprimand is warranted for respondent's untruthful answer on her 2013 renewal application where she answered that she had timely completed the required continuing education when she had not done so.

ACCORDINGLY, IT IS on this 5th day of June, 2014,

ORDERED that:

1. Respondent's New Jersey nursing license is hereby suspended until she has fully responded to the Board's requests for information, and until she has demonstrated completion 17.75 hours of continuing education to cure the deficiency of the June 1, 2011 – May 31, 2013 biennial period. Any continuing education completed after May 31, 2013 and applied to cure the deficiency of a previous period, shall not be used to satisfy the requirements of the current biennial period of June 1- 2013 – May 31, 2015. In addition to the 17.75 hours needed to cure the deficiency, respondent shall complete thirty hours of continuing education prior to May 31, 2015.

2. A public reprimand is hereby imposed upon respondent for the violation of N.J.S.A. 45:1-21(b).

3. A civil penalty in the amount of five hundred dollars (\$500) is hereby imposed for the violation of N.J.A.C. 13:45C-1.2 and 1.3, as well as a civil penalty in the amount of two hundred and fifty dollars (\$250) for failure to timely complete required continuing education in violation of N.J.A.C. 13:37-5.3, for a total penalty amount of seven hundred and fifty dollars (\$750). Payment shall be made by certified check or money order payable to "State of New Jersey," delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

4. The Board reserves the right to initiate disciplinary proceedings based upon the results of the criminal matters, as well as any information received if and when respondent ever responds to the Board inquiries.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Ann Murphy PhD APN
Patricia Ann Murphy, PhD, APN
Board President